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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,667	12/28/2004	Manfred Wittenstein	04-617	7402
34704 7590 12/12/2007 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET			EXAMINER	
			KOEHLER, CHRISTOPHER M	
SUITE 1201 NEW HAVEN, CT 06510			ART UNIT	PAPER NUMBER
•			3726	
			[
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)				
	10/519,667	WITTENSTEIN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Christopher M. Koehler	3726				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNIC 36(a). In no event, however, may a re will apply and will expire SIX (6) MON' cause the application to become AB	ATION. ply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).				
Status		·				
 Responsive to communication(s) filed on This action is FINAL. 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. 						
Disposition of Claims						
4) Claim(s) 16-30 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 16-30 are subject to restriction and/or	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct	epted or b) objected to drawing(s) be held in abeyand ion is required if the drawing.	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s	ummary (PTO-413))/Mail Date Iformal Patent Application 				

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

There are three distinct species regarding the stages of the gear box; single-stage (A), two-stage (B) and three-stage (C) gear boxes.

Within the two-stage gear box species there are two further subspecies; a gearbox with TP kinematics (D) and a gearbox with SP kinematics (E).

Further within the two-stage gear box species there are two other subspecies; the ring wheel of H_{an} connected fixedly to H_{ab} (F) and the ring wheel of H_{an} connected to A3 (G).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Species A, Claim 17 Species B, Claims 18, 20-24, 26 and 27 Species C, Claims 19, 25 and 28-30

Applicant must elect one of A, B and C above. In the event that applicant elects Species B, applicant must make further elections, one from Species D and E and one from Species F and G:

Species D, Claim 23 Species E, Claim 24

Species F, Claim 26 Species G, Claim 27

The following claim(s) are generic:

Claim 16 is generic to all the Species, claims 18, 20 and 22 are generic to Species B.

- 3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:
- 4. As can be seen from figure 1, the three different stage gear boxes have different methods of assemble and therefore are distinct from one another.

Applicant is to be made aware that the claims as currently presented are ambiguous and/or indefinite for the following reasons:

Claim 16 recites that one subassembly (H_{an}) is joined to at least two other subassemblies. However, dependent claim 17 is a method of making a single-stage gearbox which is assembled without (H_{an}) (see figure 1) and thus contradicts the language of claim 16. To further complicate the claims, claim 18 is dependent from claim 17 despite the fact that the components of claim 17, specifically A1 are not used in claim 18 because a two-stage gearbox is being described. These are only two examples of the various incongruities existing in the claims, applicant is strongly advised to amend the claims to more clearly recite the limitations of the invention in

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response to this office action in order expedite prosecution of the instant application on the merits.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK

DAVID P. BRYANT SUPERVISORY PATENT EXAMINER

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